



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



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STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

HOUSE COMMITTEE ON FINANCE

ON

TUESDAY, APRIL 7, 2015

2:00 P.M.

State Capitol, Conference Room 308

in consideration of

**H.R. 80 – REQUESTING THE HAWAII COMMUNITY DEVELOPMENT
AUTHORITY TO INVESTIGATE THE OWNERSHIP OF ROADS BEING
CHALLENGED IN THE KAKA KO DEVELOPMENT DISTRICT.**

Position: This testimony reflects my view only as the Authority has not had an opportunity to review and act on this measure.

As the Hawaii Community Development Authority is primarily a regulatory and community development agency, it does not have the authority to adjudicate land ownership rights or govern roadways. However, the HCDA recognizes the issue of private road ownership and how it is impacting residents in the Kakaako Community Development District.

As it remains HCDA's primary goal to develop a vibrant, cohesive community, the HCDA is committed to cooperating with any effort to resolve ongoing conflicts so that we may be part of the solution.

Please see the attached exhibits showing the historic ownership of roads in Kakaako.

Thank you for the opportunity to provide our comments on this resolution.

Figure D-2

PRIVATE STREETS IN KAKAOKO¹

Legend:

- Private Street
- Public Street

¹City & County of Honolulu, Division of Land Survey and Acquisition, Street Ownership File (11-15-78)

City & County of Honolulu, Division of Land Survey
and Acquisition, Street Ownership File (11-15-78).

- Private Street
Public Street

Table D-3

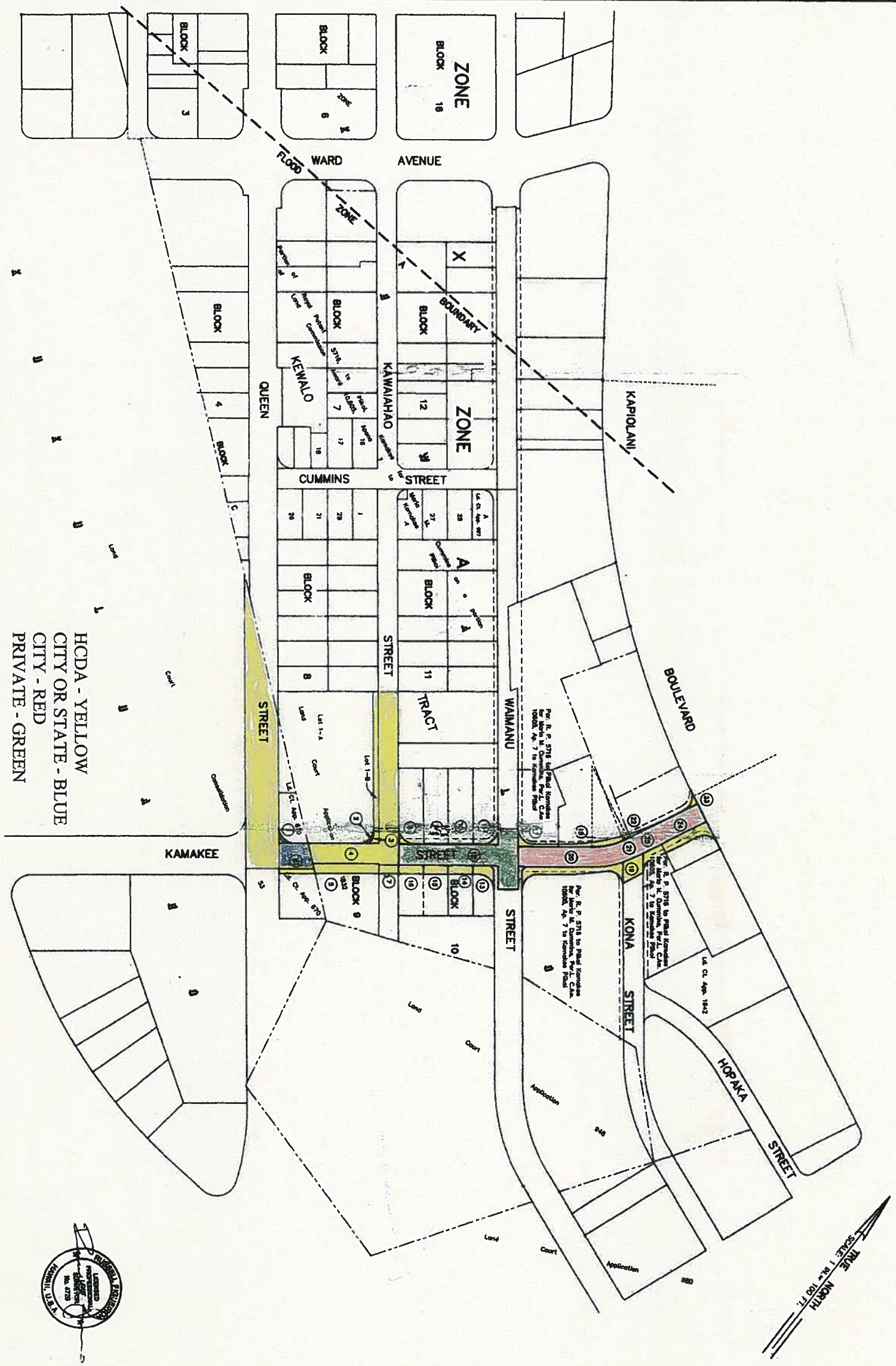
PRIVATE STREETS IN KAKA'AKO

<u>Street</u>	<u>Limits</u>	<u>Owner</u>
Ahui	Pohukaina to Halekauwila	Victoria Ward, Ltd.
Archer Lane	King (makai)	Various ¹
Auahi	Ewa of Kamani to Ward Avenue	Victoria Ward, Ltd.
Chapin	Kapiolani Boulevard to Clayton	Various ²
Clayton	Kapiolani Boulevard to Chapin	Various ²
Cummins	Queen to Waimanu	Desky ³
Curtis	Kawaiahao to Kapiolani Boulevard	Unknown
Dreier	Waimanu to Kapiolani Boulevard	Unknown
Halekauwila	Cooke to Ward Avenue	Victoria Ward, Ltd.
Hopaka	Kona to Ewa of Pensacola	Hawaiian Dredging Company, Ltd.
Ilaniwai	Cooke to Ward Avenue	Unknown
Kamakee	Queen to Waimanu	Desky ³ and E. E. Black, Ltd.
Kamani	Auahi to Ilaniwai	Victoria Ward, Ltd.
Kawaiahao	Emily to Kamakee	Desky ³
Keauhou	Pohukaina to Halekauwila	B. P. Bishop Estate
Kona	Kamakee to Waikiki of Hopaka	Hawaiian Dredging Company, Ltd.
Koula	Ala Moana Boulevard to Auahi	Unknown
Koula	Pohukaina to Halekauwila	Victoria Ward, Ltd.
Lana Lane	Ala Moana Boulevard to Auahi	Unknown
Lana Lane	Pohukaina to Halekauwila	B. P. Bishop Estate
Ohe Lane	Ala Moana Boulevard to Auahi	Unknown
Ohe Lane	Pohukaina to Halekauwila	Unknown
Pohukaina	Koula to Kamani	Victoria Ward, Ltd.
Queen	Cooke to Waikiki of Kamakee	Unknown
Waimanu	Dreier to Kamakee	Unknown

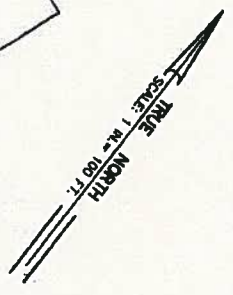
¹ Owners of record: Bernice Jaeger Wolters, Paloma Jaeger Kuhn, Samuel Clesson A. Jaeger, James Emile Jaeger, and Joanne Z. Wolters.

² Owners of record include Honolulu Construction and Draying Company, Ltd. and owners of TMK 2-1-44, Parcels 6, 7, 10, 21, 22, 23, 24, 25, 27, 29, 30.

³ Heirs of Charles S. Desky, Trustee, Deceased.



TAX MAP KEY 2-3-00 & 2-3-04



INDEX OF PARCEL MAPS		
PARCEL NUMBERS	SHEET NO.	
1, 2, 3	1	
4, 5, 6	2	
7, 8, 9, 10, 11, 12, 13, 14, 15, 16	3	
17, 18, 19, 20	4	
21, 22, 23, 24, 25	5	

PARCEL NO.	TAX MAP KEY
1	2-3-03, 1998, 18
2	2-3-03, 1998, 18
3	2-3-03, 1998, 18
4	2-3-04, 1998, 20
5	2-3-04, 1998, 20
6	2-3-04, 1998, 20
7	2-3-04, 1998, 20
8	2-3-04, 1998, 20
9	2-3-04, 1998, 20
10	2-3-04, 1998, 20
11	2-3-04, 1998, 20
12	2-3-04, 1998, 20
13	2-3-04, 1998, 20
14	2-3-04, 1998, 20
15	2-3-04, 1998, 20
16	2-3-04, 1998, 20
17	2-3-04, 1998, 20
18	2-3-04, 1998, 20
19	2-3-04, 1998, 20
20	2-3-04, 1998, 20
21	2-3-04, 1998, 20
22	2-3-04, 1998, 20
23	2-3-04, 1998, 20
24	2-3-04, 1998, 20
25	2-3-04, 1998, 20

FILE 44.1
COPY

KEY MAP

REVISION	DATE	BY	APPROVED
1	2-3-03	R. M. TOWILL CORPORATION	
2	2-3-04	STATE OF HAWAII	
3	2-3-04	KAKA'AKO COMMUNITY DEVELOPMENT DISTRICT 4	
4	2-3-04	IMPROVEMENT DISTRICT 4	
5	2-3-04	INDEX TO PARCEL MAPS	

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2015 6:10 PM
To: FINTestimony
Cc: clamor808@yahoo.com
Subject: Submitted testimony for HR80 on Apr 7, 2015 14:00PM

HR80

Submitted on: 4/4/2015

Testimony for FIN on Apr 7, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Clara K Morikawa	Individual	Support	No

Comments: As the authority tasked with the development of Kakaako, it is prudent and the responsibility of HCDA to investigate and determine the owner-ship of roads being challenged in Kakaako. Without this determination, how are you able to approve all of the developments adjacent to these contested roads? Also, the Kakaako Master Plan, which dictates your direction, did not take this issue into consideration, by declaring that "no on-property parking is required for the small individually owned properties" in Central Kakaako, where the majority of these contested roads exist. I ask, where are these owners to NOW park their cars without being charged? This tells us that HCDA is definitely responsible to investigate and determine the ownership of the contested streets, which over a hundred years have been used as thoroughfares.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2015 4:13 PM
To: FINTestimony
Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for HR80 on Apr 7, 2015 14:00PM

HR80

Submitted on: 4/4/2015

Testimony for FIN on Apr 7, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
connie smyth	Individual	Support	No

Comments: I believe the residents have a right to know who own the streets and who should be maintaining them.

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Pamela B. Wood

April 6, 2015

Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Members of the Committee on Finance

RE: House Resolution 80 – Requesting the Hawaii Community Development Authority to investigate the ownership of roads being challenged in the Kakaako Development District.

Dear Chair Luke, Vice Chair Nishimoto and members of the Committee:

My name is Pamela Wood. I am a Kaka`ako resident. I support passage of HR 80. I have personally experienced the negative impact the claim of “private roads” has on our community. According to the Legislative Reference Bureau publication Roads In Limbo An Analysis of the State-County Jurisdictional Dispute, written in November 1989, the problem of “roads in limbo” has existed since before Hawaii became a state.

As a layperson, I have done research. It appears to me the roads in question were either conveyed to the Territory of Hawaii in 1903; or have been surrendered to the government per HRS 264-1(c)(2) which states: “Surrender of public highways or trails shall be deemed to have taken place if no act of ownership by the owner of the road, alley, street, (etc.) has been exercised for five years.” Since 1903, these roads were used by the public without any claim of ownership, until the recording of a quitclaim deed in 1985. Unrestricted public use continued until 2012, when the holder of the quitclaim deed began renting street parking 24 hours a day, 7 days a week. This action resulted in the city’s August 12, 2014 public notice they would no longer provide surface maintenance because of the restrictive signs which do not comply with the requirements of RDH Section 14-32.2(a).

What I don’t understand is why the City of Honolulu and/or the State of Hawaii is not defending the public ownership rights to these “private roads”. If it is because neither wants the responsibility for substandard roads, then negotiate an agreement between you and together protect and defend the public’s right of ownership. Government inaction is allowing a third party to claim ownership. This is not in the best interest of the State as it limits the public’s right to freely use these Kaka`ako roads and makes it unclear how The Hawaii Community Development Authority (HCDA) can act upon development applications without making determinations as to the ownership of these roads.

Since HCDA is a State agency that was established “to supplement traditional community renewal methods by promoting and coordinating public and private sector community development”, it is appropriate to ask them to investigate the ownership of these roads.

Thank you for the opportunity to testify on HR 80.